



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

January 23, 2012

MEMORANDUM TO: Division Engineers
Anthony Roper, P.E.
Steve DeWitt, P.E.

FROM: Terry Gibson, PE
State Highway Administrator

A handwritten signature in black ink, appearing to read "Terry Gibson", written over the printed name.

SUBJECT: Revised Procedures for the ICA Process

We have revised procedures for the Immediate Corrective Action (ICA) process to improve communication and provide clarity for our environmental compliance efforts. Our Erosion Control Program has been successful and it is critical that we continue to make necessary improvements to protect the environment and ensure timely delivery of our construction and maintenance programs.

These minor revisions to the ICA process will become effective March 1, 2012. The intent of these changes is to streamline the ICA process and to identify projects where we have continuing difficulty maintaining environmental compliance. Changes include the implementation of an Immediate Corrective Action Extension (ICAEX) component and a Continuing Immediate Corrective Action (CICA) component which is similar to the Continuing NOV process used by the regulatory agencies. The new ICA process is outlined as follows:

- Immediate Corrective Action (ICA) - An ICA will be issued when an erosion control inspection reveals that a project is in violation of the Sedimentation Pollution Control Act and/or the NPDES permit and is given an overall grade of 6 or below. Once issued, the ICA status will remain in effect until corrective actions have been satisfactorily implemented. To ensure that compliance with the Sedimentation Pollution Control Act and/or the NPDES Permit is regained, a follow-up inspection is conducted within five (5) working days after an ICA is issued.

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- Immediate Corrective Action Extension (ICAEX) - Circumstances may warrant that an ICA remain in effect for an extended period of time after its issuance. If the follow-up inspection for the ICA reveals corrective actions are progressing but are not sufficient to justify lifting (removing) the ICA, an ICAEX will be issued. (Note: Projects are limited to only two (2) ICAEXs. If corrective actions are still not complete at the time of the follow-up inspection for the second ICAEX, a Continuing Immediate Corrective Action (CICA) will be issued).
- Continuing Immediate Corrective Action (CICA) - A CICA is issued when the follow-up inspection for a second ICAEX reveals that little or no progress has been initiated or additional corrective actions are needed to bring a project into compliance. (Note: the CICA component replaces the Repeat ICA on the Performance Dashboard Appraisal (PDA) environmental compliance metric for various positions).

Environmental compliance is a critical component of program delivery and is a performance measure for which we are held accountable. In order to meet our environmental commitments, the Department's construction and maintenance activities must be performed in a manner that not only protects, but enhances the state's natural resources.

It is my expectation that we will take appropriate actions to prevent work suspensions and NOV's. Suspension of operations on a project should not become necessary if all parties are committed to fulfilling the Department's obligation to environmental compliance and stewardship.

If you have any questions or need additional information, please contact Don Lee, State Roadside Environmental Engineer at (919) 707-2920.

TRG/dgl

cc: Jon G. Nance, PE, Chief Engineer
Ricky E. Greene, Jr., PE, Director of Asset Management
Don G. Lee, CPESC, State Roadside Environmental Engineer
Ron A. Hancock, PE, State Construction Engineer
Mell Nevils, PE, NCDENR – Division of Land Resources, Section Chief